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7

8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10
11 UNITED STATES OF AMERICA,

Case No. 2:19-CR-0231-WBS

12 Plaintiff,

13 v.

STIPULATION AND [PROPOSED] PROTECTIVE
ORDER REGULATING DISCOVERY

14 JOSE ENCARNACION MAYO RODRIGUEZ,
SYLVIA ZAMBRANO,
YESENIA LOPEZ,
MARIA LUISA ESCAMILLA-LOPEZ,
JUAN CHAVARRIA,
JUAN RAMON LOPEZ,
NEREYDA ALVAREZ,
PHILLIP ALLEN BAILEY, and
CHARLES JAMES BILLINGSLEY, JR.,

19 Defendants.

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21 Pursuant to Federal Rule of Criminal Procedure 16(d), the United States, by and through
22 Assistant U.S. Attorneys Cameron L. Desmond and David W. Spencer, and defendants Jose
23 Encarnacion Mayo Rodriguez, Sylvia Zambrano, Yesenia Lopez, Maria Luisa Escamilla-Lopez, Juan
24 Chavarria, Juan Ramon Lopez, Nereyda Alvarez, Phillip Allen Bailey, and Charles James Billingsley,
25 Jr., through their respective counsel of record (“Defendants” and “Defense Counsel”), stipulate and
26 agree, and respectfully request that the Court order as follows.

27 1. As of the date of this stipulation and order, the Government has produced discovery to
28 the Defendants identified as of Bates numbers 000001 through 001265.

1 2. This Court may enter protective orders pursuant to Rule 16(d) of the Federal Rules of
2 Criminal Procedure, and its general supervisory authority;

3 3. The Government has in its possession additional discovery that may be required under its
4 discovery obligations, but even if not required, may facilitate the Defendants' trial preparation. This
5 discovery will be considered "Protected Material" as described in this stipulation and order, as will any
6 other discovery marked as Protected Material.

7 4. This material consists of audio recordings, video recordings, and photographs that
8 identify a law enforcement undercover agent and/or confidential source by voice or by
9 photograph/video.

10 5. The purpose of this stipulation and order is to establish the procedures that must be
11 followed by Defense Counsel, any designated employees, and any other individual who receives access
12 to any Protected Material in this case and the information therein.

13 6. The Government shall produce the aforementioned Protected Material to Defense
14 Counsel, designating the discovery with the bates prefix, "PM_." This discovery, and any subsequent
15 material discovered by the Government to Defense Counsel using the bates-prefix, shall be considered
16 Protected Material.

17 7. All Protected Material in this case is now and will forever remain the property of the
18 Government. It is entrusted to Defense Counsel only for purposes of representing his/her Defendant
19 during the pendency of this case.

20 8. Defense Counsel shall not give any Protected Material to any person other than Defense
21 Counsel's staff assisting in preparation of the present case. The term "staff" shall explicitly include only
22 attorneys, paralegals, legal assistants, retained experts, and investigators assisting Defense Counsel in
23 the present matter. The term excludes any other defendant in this matter or any other pending matter
24 against the Defendants; any person involved in any case in which discovery concerning the Defendants
25 is produced; and any other person other than those specifically authorized to see Protected Material
26 under this paragraph.

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1 9. Any person receiving access to the Protected Material from Defense Counsel shall be
2 bound by the same obligations as Defense Counsel and, further, may not give any Protected Material to
3 anyone.

4 10. No members of any of the Defendants' family, friends of the Defendants, personal or
5 professional associates of the Defendants, or any other person affiliated with the Defendants shall be
6 given access to any Protected Material or its contents in any manner, for any reason.

7 11. Defense Counsel may make copies of Protected Material and may take written or typed
8 notes summarizing it in connection with preparation of the case. If necessary to the litigation of the
9 instant matter, Defense Counsel may also have audio or video forms of Protected Material transcribed.
10 All notes, copies, duplicates, summaries, transcripts, or other representations of or concerning the
11 information in the Protected Material comprises "Protected Material" itself, must be affixed with the
12 corresponding bates numbers and the "Protected Material" ledger, and is subject to all terms of this
13 stipulation and order.

14 12. Defense Counsel shall maintain a list of persons to whom any Protected Material is being
15 or has been given. Such persons shall be provided with a copy of the executed version of this stipulation
16 and order, shall sign their full names to a copy, and shall in writing acknowledge that they understand its
17 terms and are bound by it. If Defense Counsel is replaced for any reason, or if new counsel is appointed
18 in any phase of the matter, the new counsel shall not have access to any Protected Material until and
19 unless they sign a copy of this stipulation and order, under the terms described in this paragraph.

20 13. Defense Counsel may use the Protected Material in the defense of his/her Defendant in
21 the instant case in any manner deemed essential to adequately represent him or her (*i.e.*, in motions that
22 are filed under seal, if necessary; in *ex parte* applications as may be needed; and in reproducing and
23 summarizing Protected Material for use in trial preparation summaries, exhibits and as evidence, as may
24 be needed), consistent with this stipulation and order as it shall be originally prepared and signed.

25 14. In the event Defense Counsel needs to use any Protected Material in a manner not
26 authorized under this stipulation and order, Defense Counsel is entitled to seek to have this stipulation
27 and order amended by the District Court, after having given notice to counsel for the Government, in a
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1 hearing before the District Court, in order to meet the obligations under the Sixth Amendment to the
2 United States Constitution.

3 15. Defense Counsel and any authorized members of Defense Counsel's staff are authorized
4 to review with his/her Defendant the contents of the Protected Material. Defense Counsel and
5 authorized members of her staff, however, are prohibited from in any way giving his/her Defendant any
6 Protected Material or any memorialization of the content of any of it, such as: any of the Protected
7 Material itself; copies of any of the Protected Material; copies of excerpts of any of the Protected
8 Material; or summaries of any of the Protected Material. This prohibition will not extend to the
9 Defendant viewing the Protected Material in open court should any of these materials or summaries
10 thereof be used in the litigation of this case.

Respectfully Submitted,

McGREGOR W. SCOTT
Acting United States Attorney

DATE: May 12, 2020

/s/ David W. Spencer
DAVID W. SPENCER
Assistant U.S. Attorney

Dated: May 12, 2020

/s/ Todd D. Leras
TODD D. LERAS
Law Office of Todd D. Leras
*Attorney for defendant Jose Encarnacion
Mayo Rodriguez*

Dated: May 12, 2020

/s/ Christopher R. Cosca
CHRISTOPHER R. COSCA
Christopher R. Cosca, Attorney-at-Law
Attorney for defendant Sylvia Zambrano

Dated: May 12, 2020

/s/ Brian Andrritch
BRIAN ANDRITCH
Andritz & Aed, APC
Attorney for defendant Yesenia Lopez

1 Dated: May 12, 2020

/s/ Dina Lee Santos
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Law Offices of Dina L. Santos
Attorney for defendant *Maria Luisa Escamilla-Lopez*

5 Dated: May 12, 2020

/s/ Armando Villapudua
ARMANDO VILLAPUDUA
Law Offices of Armando Villapudua
Attorney for defendant *Juan Chavarria*

8 Dated: May 12, 2020

/s/ Phillip Cozens
PHILLIP COZENS
Phillip Cozens, Attorney-at-Law
Attorney for defendant *Juan Ramon Lopez*

11 Dated: May 12, 2020

/s/ David M. Garland
DAVID M. GARLAND
Law Office of David Garland
Attorney for defendant *Nereyda Alvarez*

14 Dated: May 12, 2020

/s/ Alin Cintean
ALIN CINTEAN
Law Offices of Alin Cintean
Attorney for defendant *Phillip A. Bailey*

18 Dated: May 12, 2020

/s/ Johnny L. Griffin, III
JOHNNY L. GRIFFIN, III
Law Offices of Johnny L. Griffin, III
Attorney for defendant *Charles J. Billingsley, Jr.*

1 **O R D E R**

2 Based upon the agreement of the parties and pursuant to Rule 16(d) of the Federal Rules of
3 Criminal Procedure, the Court adopts the proposed stipulation regulating certain discovery in this case.
4 IT IS HEREBY ORDERED that each of the terms described in the stipulation of the parties shall govern
5 the Protective Material as defined in the stipulation in this case.

6 **IT IS SO ORDERED.**

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8 DATED: May 12, 2020


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10 ALLISON CLAIRE
11 UNITED STATES MAGISTRATE JUDGE